HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7485 /2007

PETITIONER		G.P.Madhukar aged about 40 years, s/o Govardhan Prasad Madhukar, R/o Kunkuri, Tapkara Road, Opposite Aara Mill, Room No. 6 Post Kunkuri, Tahsil Kunkuri, District Jaspur(CG)
		Versus
RESPONDENTS	1	The State of Chhattisgarh, Through Secretary, Tribal Department DKS Bhawan, Raipur(CG)
	2	The Director of Anusuchit Janjati and Anusuchit Jati Vikas Raipur(CG)
	3	The Collector, Jashpur
	4	The Assistant Commissioner Adivasi Vikas Jashpur(CG)
	5	B.K. Rajput, Assistant Commissioner Adivasi Vikas Jashpur(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Akhilesh Kumar, Counsel for the petitioner.

Shri Sushil Dubey, Government Advocate for the State on advance copy.

ORAL ORDER
(19.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

This petition has been directed for quashment of the suspension order dated 28.6.2007(Annexure P-7) as also the departmental enquiry pending against the petitioner.

The brief facts, as stated in the suspension order, are that on a particular day, the petitioner went to the office of the concerned Assistant Commissioner and tried to give him bribe of Rs.5,000/-. How the bribe has been given to the petitioner is mentioned in the suspension order itself. When the envelope containing the bribe was opened, it came to the notice of the concerned authority and he took action against the petitioner and ultimately, the petitioner was suspended and the departmental enquiry was initiated.

Learned counsel for the petitioner argues that false allegations have been levelled against the petitioner and he has been falsely implicated in the departmental proceedings.

I have heard learned counsel for the petitioner at length and have also perused the record filed along with the writ petition.

In the matter of ***Union of India and others vs. Upendra Singh (1994) 3 S.C.C. 357***, the Apex Court held vide para 6 that in the case of charges framed in a disciplinary inquiry, the tribunal or court can interfere only if on the charges framed (read with imputation or particulars of the charges, if any) no misconduct or other irregularity alleged can be said to have been made out or the charges framed are contrary to any law. At this stage, the tribunal has no jurisdiction to go into the correctness or truth of the charges. The tribunal cannot take over the functions of the disciplinary authority. The truth or otherwise of the charges is a matter for the disciplinary authority to go into. Indeed, even after the conclusion of the disciplinary proceedings, if the matter comes to court or tribunal, they have no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority as the case may be.

Needless to say that in this case also, the factual aspects raised by the petitioner cannot be gone into by a writ court. On the basis of dispute raised pertaining to the factual aspect, neither the suspension order nor the departmental enquiry contemplated/initiated against the petitioner can be quashed.

I do not find any reason to entertain this writ petition filed for quashment of the suspension order as also the departmental enquiry.

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Sunita